



LEGISLATIVE UPDATE: JUVENILE JUSTICE AND CHILD WELFARE



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About Voices for Children in Nebraska

Who We Are: Voices for Children in Nebraska is a statewide, independent, non-profit, non-partisan child advocacy organization. With kids at the center of our work, we follow these values:

- Informed research drives our direction.
- When a policy is good, we support it. When it is harmful, we fight it. When it is missing, we create it.
- Community engagement is how we promote systems change.

Legislative “Short” Session 101

- Each Legislature convenes over a two year period (“biennium”)
 - ▣ The first year of the biennium is a “long” session, 90 days from January through June.
 - ▣ The second year of the biennium is a “short” session, 60 days from January through April.
 - ▣ We are in the second session of the 104th Legislature
- Senators may bring as many bills as they choose in each session
 - ▣ All bills must be “dropped” by the 10th day, and each will receive a public hearing in a designated committee
 - ▣ Due to time constraints, only new bills with priorities are likely to be heard on the floor
 - ▣ “Carryover” bills made it out of committee but weren’t heard on the floor during the long session and may be heard, time permitting, during the short session

2015 Legislation – Juvenile Justice

- LB 675 (Krist): Use of detention
 - ▣ Eliminates “risk of harm to self” and “risk of harm to property of others as permissible rationales for secure confinement of juveniles
 - ▣ Lists certain impermissible uses of detention
- LB 709 (Howard): Alternatives to detention
 - ▣ Defines the term “alternative to detention” in the juvenile code
 - ▣ Requires a timely hearing when a juvenile is placed on an alternative to detention that infringes upon her liberty
- LB 845 (Pansing Brooks): Reporting room confinement
 - ▣ Defines “room confinement” as involuntary restriction of a juvenile to a cell, room, or other area, alone, except during regular sleeping hours
 - ▣ Requires any residential facility housing minors to track and report use of extended room confinement

2015 Legislation – Juvenile Justice

- LB 866 (Bolz): Transition to Adult Living Success program
 - ▣ Directs DHHS to initiate a program for youth aging out of the juvenile justice system in out-of-home placement
 - ▣ Appropriates money for DHHS to contract with transitions & independent living service providers, with a critical needs fund that youth may draw on (up to \$1,000 per participant per year)

- LB 893 (Pansing Brooks): Minimum age for juvenile charging
 - ▣ Sets a minimum age of 11 for delinquency and status charging
 - ▣ Permits filing under 43-247(3)(a) for children age 10 and younger committing offenses which would otherwise give rise to delinquency or status charging

2015 Legislation – Juvenile Justice

- LB 894 (Pansing Brooks): Right to counsel
 - ▣ Requires children in custody be informed of their right to counsel in developmentally appropriate language
 - ▣ Requires appointment of counsel at the time of petition filing on delinquency and status charges
 - ▣ Sets restrictions on juvenile waiver of the right to counsel, including requirement that the child consult with counsel prior to waiver

- LB 954 (Krist): Inspector General oversight
 - ▣ Enacts a compromise reached between the Legislature and the Courts
 - ▣ Boilerplate language included in judicial orders will permit the legislative Office of the Inspector General to access reports and probation files in the case of death, serious injury, or complaint in a juvenile justice case

About Nebraska Appleseed

Who We Are: Nebraska Appleseed is a non-profit organization that fights for justice and opportunity for all Nebraskans.

- We take a complex approach to systemic issues:
 - ▣ Child welfare
 - ▣ Health care access
 - ▣ Immigration policy
 - ▣ Poverty
- We take our work wherever it does the most good – at the courthouse, at the statehouse, or in our community.

2015 Legislation – Child Welfare

- LB 673 (Krist): County-based GAL division
 - ▣ Permits counties to create a GAL division
 - ▣ Requires the county board to set reasonable fees
- LB 684 (Bolz): Adoption home study exemption
 - ▣ Exempts biological grandparents, and step-grandparents married at the time of the adoption if both are adopting, from the home study requirement
- LB 697 (Howard): Provide for a medicaid state plan amendment for functional family therapy
 - ▣ Directs HHS to file a SPA on or before May 1, 2017 to provide for utilization of money for payments for FFT for children under Medicaid

2015 Legislation – Child Welfare

- LB 707 (Coash): Increase the number of judges in the separate juvenile court
 - ▣ Increases judges in Douglas County to six (from five)
- LB 744 (Watermeier): Communication and contact agreements in private and agency adoption
 - ▣ Permits adopting and birth parents to enter into a written agreement to allow communication and contact
 - ▣ States that failure to comply is not ground to set aside an adoption, revoke a relinquishment or consent to adoption, or challenging the adoption
 - ▣ States that an agreement may not be enforced by a civil action and requires such language to appear on the agreement in bold type

2015 Legislation – Child Welfare

- LB 746 (Campbell): Nebraska Strengthening Families Act
 - ▣ Implements federal Preventing Sex Trafficking and Strengthening Families Act and stakeholder recommendations regarding normalcy/reasonable prudent parent standard, list of rights, participation in case planning and pre-discharge documents for youth, and eliminating the use of APPLA for youth under age 16
- LB 975 (Kolterman): Sincerely held religious beliefs of child placing agencies
 - ▣ Prohibits the state from taking adverse action against a child placing agency because the agency declines to provide, facilitate or provide a direct referral for a CW service that conflicts with the agency's sincerely held religious belief
 - ▣ Establishes a cause of action for an agency aggrieved by a violation with attorneys' fees

Contact Information

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